

EXHIBIT “C”

Correspondence and subsequent refusal to sign by Graham Lawlor (5 sheets)

Zura, Peter

From: Graham Lawlor [graham@generationg.com]
Sent: Thursday, August 18, 2005 5:51 AM
To: Zura, Peter
Cc: Doug States
Subject: Re: FW: US Patent Application 09/811,411 - Declaration

Hi Peter,
I would prefer not to sign at this time.

Best regards,
Graham

>
>> Hello Graham,
>>
>> I am working with Doug States and your fellow inventors on the
>> aforementioned patent application currently pending before the United
>> States Patent and Trademark Office (USPTO). A text copy of the
>> application is attached for your convenience. During the course of
>> prosecution, a patent was cited as prior art (6,640,241) that
>> pre-dates the filing of the application, but is after the time you and
>> your co-inventors conceived the subject matter of the application.
>>
>> Since the USPTO awards patents for the "first to invent", we are
>> allowed to submit declarations, with accompanying evidence, as proof
>> that you and the other joint inventors conceived of the invention
>> before the other patent. Accordingly, I am attaching a declaration
>> for your signature. We will also be attaching the "Interchange
>> Functional Specification Version 2.4" as the evidence establishing
>> conception. I am also attaching a copy of this document for your
>> review.
>>
>> Please sign the document and fax it back to me at your earliest
>> convenience, and no later than August 2. Also, please mail the
>> original document to the address listed below. If you have any
>> questions or concerns, please do not hesitate to contact me or Doug.
>> We appreciate your cooperation in this matter.
>>
>> Regards,
>>
>> Peter Zura
>> Bell, Boyd & Lloyd, L.L.C.
>> 70 West Madison St., Suite 3300
>> Chicago, IL 60602-4207
>> * (312) 807-4208 (tel.)
>> * (312) 345-9994 (fax)
>> * pzura@bellboyd.com
>> <<116210-005 1.131 Declaration - Graham Lawlor.doc>>
>> <<FuncSpecFinal-ver24.doc>> <<United States Patent Application
>> 0040039779.htm>>
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Economics is ethics

Zura, Peter

From: Zura, Peter
Sent: Thursday, August 11, 2005 3:16 PM
To: 'graham@generationg.com'; 'dave@schonberg.com'; 'dave@zaret.com'
Cc: 'Doug States'
Subject: REMINDER: US Patent Application 09/811,411 - Declaration

Gentlemen,

I am following up from my e-mail of July 29th, in which I forwarded each of you a declaration prepared for your signature. To date, we have received the other inventor's declarations, with yours being the exceptions. As I explained in my earlier e-mail, the declaration is simply being used to progress the examination of your patent application in the USPTO, and your signing of the declaration in now way affects your individual or collective inventorship regarding the application.

If possible, please sign the previously-sent document and fax it to me at the number listed below. We would prefer that you fax the documents on or before August 15th. If you need me to re-send the declaration, I would be happy to do so. If you are having issues with signing the declaration before this time, please let us know what they are, and we will do our best to address them.

If you have any additional questions or concerns, please feel free to contact me or Doug. Your cooperation in this matter is greatly appreciated.

Regards,

Peter Zura
Bell, Boyd & Lloyd, LLC.
70 West Madison St., Suite 3300
Chicago, IL 60602-4207
☎ (312) 807-4208 (tel.)
☎ (312) 345-9994 (fax)
✉ pzura@bellboyd.com

Zura, Peter

From: Zura, Peter
Sent: Friday, July 29, 2005 2:21 PM
To: 'graham@generationg.com'
Cc: 'Doug States'
Subject: RE: FW: US Patent Application 09/811,411 - Declaration

Hello Graham,

I understand your concern. Please be assured that none of your rights are affected regarding your inventorship of the patent application. The significance of the declaration is that it would help streamline the current prosecution of the patent application for the reasons stated in my previous e-mail.

To put it another way, when you and your fellow inventors filed the patent application on September 28, 1999, it is understood that you and your co-inventors had a prior working knowledge of the subject matter contained in the application. However, during examination, the USPTO takes the position that the subject matter in a patent application does not exist prior to the filing date, absent evidence to the contrary. Accordingly, the USPTO will only look to the filing dates of relevant patents to initially determine what is prior art (i.e., the USPTO sees who filed first).

In our case, the Ozzie patent (6,640,241) was filed on July 19, 1999 - a little over two months prior to your application. As such, the Examiner rejected the patent, since Ozzie technically pre-dates your application. However, it is well-known that numerous prototypes and documents were generated at UBS well before the July 19, 1999 date. One such document is the "Interchange Functional Specification Version 2.4".

The declaration is simply a mechanism to provide evidence to the USPTO that there was a working knowledge of the subject matter prior to the filing date of the application (i.e., "evidence to the contrary"). And for us to provide the specification as evidence of that working knowledge, the USPTO requires the inventors to "vouch" for the document via a declaration. This is why we are asking for your cooperation in this regard.

The effect of the declaration would be that the Ozzie patent would be removed from consideration as prior art, and the prosecution of the application would continue at the USPTO (the application has not issued as a patent). In other words, the declaration is simply a statement by the inventors, saying "we know the Ozzie patent was filed prior to our application, but our knowledge contained in the application predates Ozzie, and this specification proves it."

I hope this helps. If you have any further questions or concerns, please do not hesitate to contact me or Doug.

Regards

Peter

-----Original Message-----

From: Graham Lawlor [mailto:graham@generationg.com]
Sent: Friday, July 29, 2005 10:05 AM
To: Zura, Peter
Cc: Doug States
Subject: Re: FW: US Patent Application 09/811,411 - Declaration

Hi Peter,

I am not a lawyer and know nothing about patent law. Can you explain to me what rights/privileges I am giving up by signing this and what I stand to gain from doing so? Why is it important to Parlano that I sign this?

As you probably know, I am no longer employed by either UBS or Parlano and am unlikely to put my signature on something I don't understand. Depending on the rights I am releasing I may need compensation.

Best regards,
Graham.

>
>> Hello Graham,
>>
>> I am working with Doug States and your fellow inventors on the
>> aforementioned patent application currently pending before the United
>> States Patent and Trademark Office (USPTO). A text copy of the
>> application is attached for your convenience. During the course of
>> prosecution, a patent was cited as prior art (6,640,241) that
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>> We appreciate your cooperation in this matter.
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>> Regards,
>>
>> Peter Zura
>> Bell, Boyd & Lloyd, L.L.C.
>> 70 West Madison St., Suite 3300
>> Chicago, IL 60602-4207
>> * (312) 807-4208 (tel.)
>> * (312) 345-9994 (fax)
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Economics is ethics

EXHIBIT “D”

Attempts to correspond with inventor Robert Seymour (2 sheets)

Zura, Peter

From: Doug States [doug.states@parlano.com]
Sent: Wednesday, August 31, 2005 11:35 AM
To: Zura, Peter
Subject: FW: US Patent Application 09/811,411 - Declaration
Importance: High

In addition to the below email I called Robert at his place of employment at Finaplex in San Francisco. Both times I went through the switch board operator who confirmed he was in the office.

Between July 29th and August 15th Robert confirmed his receipt of your July 29th email by instant messaging one of our developers – Jason Bubolz inquiring as to why he was being asked to sign the document. Jason chatted him back with a brief explanation and further provided my contact details for further discussion (no contacts attempted by Robert to me).

August 15th – left voicemail during business hours.

August 29th – spoke with Robert's assistant regarding the subject matter asking for a return call.

Doug States
312-655-8330 x214
doug.states@parlano.com

From: Doug States [mailto:doug.states@parlano.com]
Sent: Tuesday, August 16, 2005 4:49 PM
To: 'rseymour@finaplex.com'
Subject: FW: US Patent Application 09/811,411 - Declaration
Importance: High

Robert,

Hope you are well.

Can you please provide me an update on your ability to sign the attached declaration as one of the original inventors? Due to rather short time constraints imposed by the PTO, we need your response as quickly as possible. While the majority of the inventors have already signed, we would greatly appreciate your assistance in getting your invention patented in the US as was recently the case in Australia ... patent # 780033. Should you have any questions please contact me at your convenience.

Kind regards,

Doug States, CFO
312-655-8330 x214 office
630-640-1662 mobile
doug.states@parlano.com

From: Zura, Peter [mailto:PZura@bellboyd.com]
Sent: Friday, July 29, 2005 9:29 AM
To: rseymour@finaplex.com
Cc: Doug States
Subject: US Patent Application 09/811,411 - Declaration

Hello Robert,

I am working with Doug States and your fellow inventors on the aforementioned patent application currently

9/6/2005

pending before the United States Patent and Trademark Office (USPTO). A text copy of the application is attached for your convenience. During the course of prosecution, a patent was cited as prior art (6,640,241) that pre-dates the filing of the application, but is after the time you and your co-inventors conceived the subject matter of the application.

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Please sign the document and fax it back to me at your earliest convenience, and no later than August 2. Also, please mail the original document to the address listed below. If you have any questions or concerns, please do not hesitate to contact me or Doug. We appreciate your cooperation in this matter.

Regards,

Peter Zura

Bell, Boyd & Lloyd, LLC.

70 West Madison St., Suite 3300

Chicago, IL 60602-4207

☎ (312) 807-4208 (tel.)

☎ (312) 345-9994 (fax)

✉ pzura@bellboyd.com

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EXHIBIT “E”

Attempted correspondence with Pat O'Donnell (2 pages)

Zura, Peter

From: Doug States [doug.states@parlano.com]
Sent: Wednesday, August 31, 2005 11:37 AM
To: Zura, Peter
Subject: FW: US Patent Application 09/811,411 - Declaration (Patrick O'Donnell)

This is the only contact I've been able to have with Pat O'Donnell. I have been unable to confirm his address nor any phone number in which to reach him.

Doug States
312-655-8330 x214
doug.states@parlano.com

From: Doug States [mailto:doug.states@parlano.com]
Sent: Wednesday, August 10, 2005 11:05 AM
To: 'Dave Schonberg'
Subject: FW: US Patent Application 09/811,411 - Declaration (Patrick O'Donnell)

Dave,

Can you forward this onto Pat for signature? Thanks again.

Doug States
312-655-8330 x214
doug.states@parlano.com

From: Zura, Peter [mailto:PZura@bellboyd.com]
Sent: Wednesday, August 10, 2005 9:54 AM
To: doug.states@parlano.com
Subject: US Patent Application 09/811,411 - Declaration (Patrick O'Donnell)

Hello Patrick,

I am working with Doug States and your fellow inventors on the aforementioned patent application currently pending before the United States Patent and Trademark Office (USPTO). A text copy of the application is attached for your convenience. During the course of prosecution, a patent was cited as prior art (6,640,241) that pre-dates the filing of the application, but is after the time you and your co-inventors conceived the subject matter of the application.

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Regards,

Peter Zura

9/6/2005

Bell, Boyd & Lloyd, LLC.

70 West Madison St., Suite 3300

Chicago, IL 60602-4207

☎ (312) 807-4208 (tel.)

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